

Remarks

Claims 1-10 are pending. Claims 1-10 are amended to more particularly point out and distinctly claim Applicant's invention.

The Examiner repeated his previous rejections of (a) Claims 1, 3-5 and 7 under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent 6,098,106 ("Philyaw"), and (b) Claims 2, 6, 8-10 under 35 U.S.C. § 103(a), as being unpatentable over Philyaw.

Applicant respectfully traverses the Examiner's rejections. As amended, each of independent Claims 1-3, 5 and 7-10 recites either creating a viewing record of a broadcast using information embedded in the broadcast collected as the broadcast is received or performing an action based on the receipt of such a viewing record:

1. A method ... comprising:
 - a. receiving a broadcast with embedded information about the broadcast, said embedded information being provided to allow constructing a viewing record of the broadcast;

* * *
 - d. storing said embedded information;
 - e. at a predetermined time, sending said stored embedded information and viewer information to a remote computer to allow said remote computer construct said viewing record; and
 - f. providing specific incentives to the viewer based on said viewing record.
2. A method ... comprising:
 - a. receiving a broadcast with information about the broadcast embedded into the broadcast at regular time periods, said information including timestamps each identifying a time slice

during which the broadcast is received;

b. extracting and displaying content from said broadcast to viewer; and

c. extracting said embedded information from said broadcast;

d. incrementing counters for counting the time slices during which said broadcast is received;

... and

g. providing specific incentives to the viewer based on said embedded information and said viewing time .

3. A method ... comprising

a. embedding information along with the broadcast content, said embedded information including information that allows a viewing time of said broadcast content to be determined; and

b. broadcasting said content with said embedded information to a remote viewer of the content.

5. (Currently amended) A method for allowing content to be broadcast without commercial interruption, yet letting the company or companies sponsoring the broadcast to offer purchasing incentives to viewers, the method comprising:

a. embedding information along with the broadcast content at regular time periods, wherein said embedded information, when collected over time, allows a viewing record of the broadcast to be determined; and

b. broadcasting said content with said embedded information to a remote viewer of the content.

7. A method ... comprising:

a. receiving information representing a

viewing record of a broadcast by a remote viewer;
and

b. sending specific incentives to the remote viewer based on said viewing record.

8. A method ... comprising:

* * *

c. sending specific incentives to the remote viewer determined by a viewing record of a broadcast by said remote viewer, said viewing record based on said information received and said counter values received.

* * *

9. A method ... comprising:

a. receiving information from a remote viewer representing a viewing record of said broadcast by said remote viewer;

b. searching a database for information about sponsors of the content of said broadcast and the incentives offered by said sponsors;

* * *

10. A method ... comprising:

a. receiving information about viewing of content of a broadcast by a remote viewer;

b. receiving counter values representing the number of time slices during which the broadcast was viewed by said viewer;

* * *

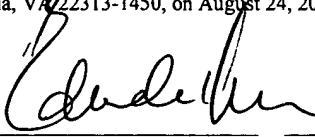
(emphasis added)

Thus, independent Claims 1-3, 5 and 7-10 distinguish over Philyaw, as Philyaw merely teaches “coded advertiser information” inserted in an audio portion of a broadcast

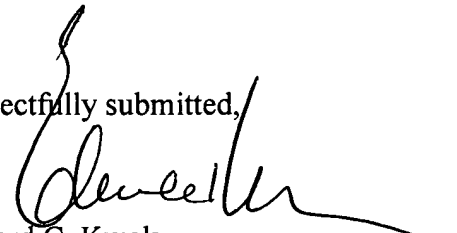
(col. 5, lines 8-16). However, as discussed in detail in Philyaw's cols. 5-10, the coded advertiser's information encodes routing information that allows the recipient to receive specific product information from an advertiser's server through a complicated re-routing in a global communication network (see, Philyaw's Figure 3). Philyaw neither discloses nor suggests using the embedded information to collect viewing information.

In contrast, as explained in Applicant's Specification, at page 4, lines 13-26, for example, the embedded information collected over a time period allows subsequent determination of "which shows were watched, during which time, and which advertisers sponsored those shows or those segments of shows." (page 4, lines 19-22). Based on the information embedded in the broadcast and collected at the user during the viewing of the content in the broadcast, not only is the advertiser able to deliver product information to the viewer, the advertiser is also able to assess the effectiveness of the broadcast as a vehicle for delivering the product information the advertiser desires to provide its target viewers. Neither embedding such information to keep track of viewing of the broadcast by a viewer nor its attendant benefits is disclosed or suggested by Philyaw. Therefore, Philyaw neither discloses nor suggests any of independent Claims 1, 3, 5, and 7-10 and its dependent Claims 2, 4 and 6. Thus, Applicant respectfully submits that Claims 1-10 are each allowable over Philyaw. Reconsideration and allowance of Claims 1-10 are therefore requested.

If the Examiner has any question regarding the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant at 408-392-9250.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 24, 2005.	
	8/24/2005
Attorney for Applicant(s)	Date of Signature

Respectfully submitted,


Edward C. Kwok
Attorney for Applicant(s)
Reg. No. 33,938

Law Offices of
MacPherson Kwok Chen & Heid LLP
1762 Technology Drive, Suite 226
San Jose, CA 95110
Tel: (408) 392-9250
Fax: (408) 392-9262

Application No.: 09/767,819